

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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STEPHEN SINCLAIR,

Plaintiff,

-against-

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
CAPUCHIN FRANCISCANS-PROVINCE OF ST. MARY,
ST. MARY'S SEMINARY and JOHN DOE and JANE DOE,
priests, clergy and administrators whose names are unknown
to the Plaintiff,

Defendants.
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Index No.:

Date Purchased:

Plaintiff designates
NEW YORK
County as the place of trial.

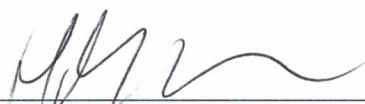
The basis of the venue is
Defendants' place of
business.

SUMMONS

To the above-named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in this complaint.

Dated: New York, New York
September 25, 2019



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SUPREME COURT OF THE STATE OF NEW YORK
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priests, clergy and administrators whose names are unknown
to the Plaintiff,

VERIFIED COMPLAINT

Defendants.
-----X

Plaintiff, by his attorneys, MICHAEL G. DOWD, as and for Complaint, alleges and
complains of the Defendants as follows:

JURISDICTION and VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because New York County is the principal place of business of Defendants.

AS AND FOR A FIRST CAUSE OF ACTION
(NEGLIGENT SUPERVISION)

4. The Plaintiff, Stephen Sinclair (hereinafter "Plaintiff") was born on September 24, 1947 and is currently a resident of Texas.

5. Plaintiff was baptized, confirmed, attended mass, and received his sacraments through the Roman Catholic Church.
6. Plaintiff is a Roman Catholic and was a student at defendant ST. MARY'S SEMINARY (hereinafter "ST. MARY'S"), located in Garrison, New York.
7. Upon information and belief, ST. MARY'S was, at all material times a Roman Catholic seminary operated by the CAPUCHIN FRANCISCANS-PROVINCE OF ST. MARY (hereinafter "CAPUCHINS").
8. Upon information and belief, Garrison, New York is within the geographic boundaries of the ARCHDIOCESE of NEW YORK.
9. Upon information and belief, the CAPUCHINS are a Catholic religious order operating as a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the State of New York.
10. Upon information and belief, the CAPUCHINS' principal place of business is in White Plains, New York.
11. Upon information and belief, White Plains, New York is within the geographic boundaries of the ARCHDIOCESE OF NEW YORK.
12. Upon information and belief, at all times mentioned herein, the ARCHDIOCESE OF NEW YORK (hereinafter "ARCHDIOCESE") was and is a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the State of New York. Its principal headquarters are located in New York, New York, which is in New York County.
13. Upon information and belief, the CAPUCHINS and ST. MARY'S as a Catholic order and Catholic seminary, respectively, were at all times relevant only able to

operate within the geographic area subsumed by the ARCHDIOCESE with the approval and permission of the ARCHDIOCESE and its Archbishop.

14. Upon information and belief, TIMOTHY M. DOLAN (hereinafter "DOLAN") is currently the Roman Catholic Archbishop of the ARCHDIOCESE.
15. Upon information and belief, the Archbishop is the Chief Executive Officer of all Catholic seminaries operating within the geographic area of the ARCHDIOCESE.
16. Upon information and belief, all of DOLAN'S predecessor(s) were the Chief Executive Officer of ST. MARY'S and as part of said responsibilities had the authority, in concert with the CAPUCHINS, to hire and fire all priests working at ST. MARY'S including RANDOLPH NOWAK (hereinafter "NOWAK").
17. Upon information and belief, at all times mentioned herein, the CAPUCHINS in concert with DOLAN and the above referenced predecessor Archbishops in the Office of the Archbishop, along with Defendant ARCHDIOCESE, created the policies and procedures to be followed by priests such as NOWAK working within the ARCHDIOCESE.
18. Upon information and belief, at all times mentioned herein, the Office of the Archbishop, the ARCHDIOCESE and the CAPUCHINS were also responsible for removing and/or suspending clergy and priests from their duties.
19. Upon information and belief, at all times mentioned herein the CAPUCHINS appointed the school principals, provincials, prefects, and controlled the hiring and training of the teachers at ST.MARY'S. Upon further information and belief, Defendant ARCHDIOCESE had the power and authority to oversee and otherwise control the hiring and firing decisions of the CAPUCHINS.

20. Plaintiff attended ST. MARY'S from 1961 to 1966.
21. Upon information and belief, at all times mentioned herein, Defendant NOWAK was a teacher, sports team coach, and the Prefect at Defendant ST. MARY'S having been assigned and otherwise authorized to work there by the DEFENDANTS.
22. Plaintiff met NOWAK when Plaintiff was in fifth grade.
23. In approximately 1963, NOWAK began sexually abusing Plaintiff. The sexual abuse included, but was not limited to, ordering Plaintiff to drink and watch pornography with NOWAK, groping Plaintiff's penis, genitals, and other areas of Plaintiff's body, kissing Plaintiff on the face, neck, and other parts of his body, masturbating Plaintiff, and performing oral sex on Plaintiff.
24. This above-referenced sexual abuse occurred about once or twice a week (on Wednesday and Saturday afternoons) for a period of three (3) years.
25. PLAINTIFF estimates that he was sexually abused a total of more than two hundred (200) instances.
26. During the times of sexual abuse, NOWAK repeatedly supplied wine and pornography prior to abusing Plaintiff, and consistently reminded Plaintiff to keep the abuse between just the two of them.
27. Plaintiff reported NOWAK's abuse to several therapists after graduating from ST. MARY'S. In 2008, NOWAK contacted Plaintiff via telephone and apologized for his years of abuse. NOWAK followed-up his telephone conversation with an email to Plaintiff, which stated:

“I was glad to finally contact you after my talk with Fr. Mike Banks. Again I apologize for what happened between us. I was fully at fault. Many times I have prayed to die because of my guilt. I am also sorry to hear that it has severely upset your life. I have kept you in my daily prayers and will continue to do so. My life too has hit the bottom. It has been messed up because I went through the same problems. Sincerely, Randolph.”

28. In 2004 NOWAK was permanently removed from the ministry for reasons related to credible allegations of sexual abuse.
29. The fact that NOWAK was permanently removed from the ministry based on credible allegations of sexual abuse is an admission by Defendant ARCHDIOCESE that NOWAK sexually abused minors.
30. Upon information and belief, Plaintiff was taught and otherwise informed by Defendants ARCHDIOCESE and ST. MARY’S by word and deed that he should obey, trust, and respect the ARCHDIOCESE and NOWAK.
31. Upon information and belief, since at least 1950 through the present, Defendants ARCHDIOCESE and ST. MARY’S knew the risk of sexual abuse of minors by priests and other staff working in the ARCHDIOCESE.
32. Upon information and belief, at all times mentioned herein, Defendants ARCHDIOCESE and ST. MARY’S knew that minors sexually abused in the Catholic Church would suffer psychological and emotional injuries, as well as other damages.

33. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE aided and abetted the concealment of criminal conduct by failing and refusing to report allegations of child sexual abuse to appropriate New York civil authorities.
34. Upon information and belief, at the time of the acts alleged herein, NOWAK was an employee of, and acting as an agent of Defendants ARCHDIOCESE and ST. MARY'S.
35. Upon information and belief, Defendants ARCHDIOCESE and ST. MARY'S had a duty to protect Plaintiff as a minor from NOWAK's criminal sexual acts.
36. Upon information and belief, Defendants ARCHDIOCESE and ST. MARY'S failed to adequately and completely supervise NOWAK, and as a result of this failure and negligence, proximately caused Plaintiff to be sexually abused by NOWAK.
37. The aforementioned occurrences of sexual abuse were caused by the negligence, carelessness, recklessness, and the willful, wanton, reckless and grossly negligent conduct of Defendants ARCHDIOCESE and ST. MARY'S and their agents, servants, and/or employees, in failing to properly and adequately supervise the conduct of NOWAK as it related to Plaintiff.
38. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these

injuries are of a permanent and lasting nature; and that Plaintiff as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

39. That by reason of the foregoing, Defendants ARCHDIOCESE and ST. MARY'S are also liable to Plaintiff for punitive and exemplary damages.
40. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
41. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

(NEGLIGENT FAILURE TO WARN)

42. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.
43. Upon information and belief, prior to and at all times herein mentioned, Defendants ARCHDIOCESE and ST. MARY'S and their agents, servants, and employees, knew or should have known that NOWAK violated ARCHDIOCESE and ST. MARY'S's relevant rules, regulations and protocols prohibiting priests like NOWAK from sexually abusing and otherwise harming minors, including Plaintiff.

44. The Defendants ARCHDIOCESE and ST. MARY'S and their agents, servants, and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to warn Plaintiff that the failure of NOWAK to abide by ARCHDIOCESE and ST. MARY'S's rules, regulations and protocols regarding prohibitions on employees being alone with minors put Plaintiff at risk for being sexually abused by NOWAK.
45. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.
46. That by reason of the foregoing, Defendants ARCHDIOCESE and ST. MARY'S are also liable to Plaintiff for punitive and exemplary damages.
47. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
48. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

(NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE

ENVIRONMENT)

49. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.
50. The Defendants ARCHDIOCESE and ST. MARY'S assumed a duty to protect the safety and welfare of Plaintiff. This duty imposed upon said Defendants, the duty to provide a reasonably safe and secure environment for Plaintiff while he attended ST. MARY'S.
51. When Plaintiff was in said Defendants' care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
52. Defendants ARCHDIOCESE and ST. MARY'S and their agents and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to provide a safe and secure environment for Plaintiff and as such was sexually abused by NOWAK.
53. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result has

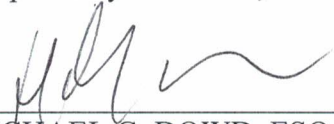
become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

54. That by reason of the foregoing, Defendants ARCHDIOCESE and ST. MARY'S are also liable to Plaintiff for punitive and exemplary damages.
55. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
56. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
September 25, 2019

Respectfully submitted,



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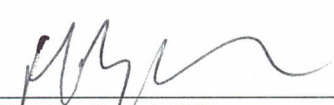
VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
September 25, 2019



MICHAEL G. DOWD
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